

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY COOLEEN,	)	
	)	Civil Action No. 04-63E
Plaintiff,	)	
	)	Hon. Sean McLaughlin
v.	)	U.S. District Judge
	)	
JOHN LAMANNA, <u>et al.</u>	)	Hon. Susan Paradise Baxter
	)	U.S. Magistrate Judge
Defendants.	)	
	)	ELECTRONICALLY FILED

**CONSENT MOTION FOR EXTENSION OF DISCOVERY**

AND NOW, come Federal Defendants, through counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney for said district, and respectfully move the Court to issue an Order extending the discovery and summary judgment deadlines in this case. In further support of this Motion, Defendant avers as follows:

1. This is a Bivens action brought by pro se Plaintiff, Timothy Cooleen. Mr. Cooleen is a former federal inmate and claims deliberate indifference toward the treatment of his back.

2. This Court held a status conference in this case on November 29, 2007, and set the following deadlines:

(1) discovery to end on 2/29/08; (2) summary judgment motion(s) to be filed by 3/15/08; and (3) opposition(s) to summary judgment to be filed by 4/11/08.

3. The parties have been actively engaged in discovery. Plaintiff has already been deposed and is currently working on responses to Defendants' interrogatory and production of document requests. However, an extension of the discovery deadline is

needed. The issue in this case centers around the injury and the alleged lack of treatment to Plaintiff's back. After deposing Plaintiff, it became apparent to Defendants that the opinion of an expert would be valuable in order to resolve the underlying factual questions in the case. To that end, undersigned counsel is in the process of exploring potential experts for hire. Additional time is needed for the hiring and review of this case by an expert.

4. Plaintiff was made aware of this Motion, and he does not object to the extension of discovery and summary judgment deadlines. This is the first extension requested by any party in this case.

WHEREFORE, Defendants respectfully request that the Court issue an Order enlarging the various deadlines in this case as follows: (1) discovery to end on April 18, 2008; (2) summary judgment motion(s) to be filed no later than May 16, 2008; and (3) opposition to summary judgment to be filed no later than June 16, 2008. A proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

s/Paul D. Kovac  
PAUL D. KOVAC  
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Western District of Pennsylvania  
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Dated: January 31, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENT MOTION FOR EXTENSION OF DISCOVERY was electronically filed and/or mailed, postage-prepaid, this 31st day of January, 2008, to the following:

Mr. Timothy Cooleen  
8777 Chautauqua Road  
Fredonia, NY 14063

s/Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney